

the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

In this matter, plaintiff asserts claims under the Fair Debt Collection Practices Act ("FDCPA") and state law. The R&R identifies at least four (4) different reasons that the plaintiff's FDCPA claim is legally deficient based on the facts alleged and the exhibits attached to support those allegations. (Id. at 5-9). Due to the shortcomings of the plaintiff's federal claim, the R&R recommends that the court decline to exercise supplemental jurisdiction over the plaintiff's state law claims at this time. (Id.) Finding no plain error or manifest injustice on the face of the record, the R&R will be adopted. The plaintiff's complaint will be dismissed.

Chief Magistrate Judge Bloom further recommends that plaintiff be granted leave to file an amended complaint. The court will adopt that recommendation, but with a caveat. Based upon the situation alleged, an amendment is unlikely to cure the deficiencies raised in the R&R as to the plaintiff's FDCPA claim. Nonetheless, because the plaintiff is *pro se* and this is her first attempt at trying to plead a plausible FDCPA claim, the court cannot state with absolute certainty that amendment would be futile. Consequently, the dismissal of plaintiff's complaint will initially be without prejudice. Plaintiff will be provided twenty (20) days to file an amended complaint to bolster the factual allegations concerning

her FDCPA claim and explain her situation more fully if she so chooses. If plaintiff does not file an amended complaint within that timeframe, the dismissal of her FDCPA claim will convert to a dismissal with prejudice without further order of court. Plaintiff's state law claims will not be impacted by this order if an amended complaint is not filed. Rather, her state law claims will be dismissed without prejudice to the plaintiff pursuing such claims in state court.

It is thus hereby **ORDERED** as follows:

1) The chief magistrate judge's report and recommendation (Doc. 4) is **ADOPTED**;

2) Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) is **GRANTED**;

3) The plaintiff's complaint (Doc. 1) is **DISMISSED** for failure to state a claim;

4) The dismissal of the complaint is without prejudice to the plaintiff filing an amended complaint addressing the deficiencies addressed in the R&R;

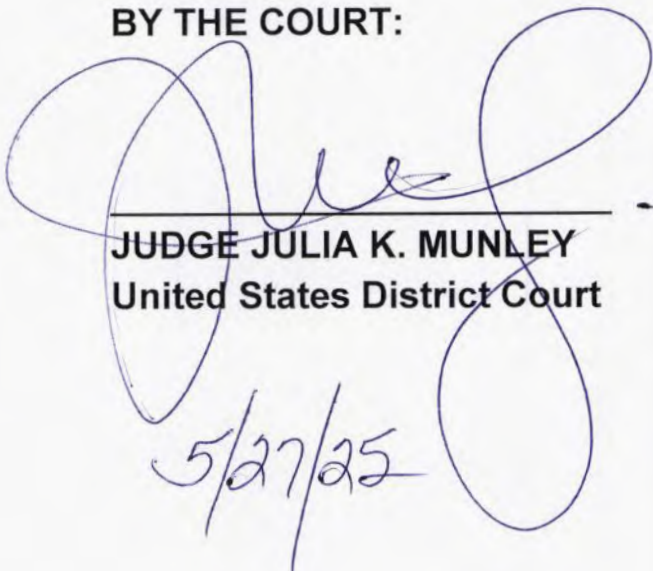
5) Plaintiff may file an amended complaint on or before **June 9, 2025**;

6) Should plaintiff not file an amended complaint within this period, plaintiff's FDCPA claim will be dismissed with prejudice without further order of court;

7) If an amended complaint is not filed, plaintiff's state law claims will remain dismissed without prejudice to the plaintiff pursuing such claims in state court; and

8) The Clerk of Court is directed to close this case pending the filing of any amended complaint.

BY THE COURT:



JUDGE JULIA K. MUNLEY
United States District Court

5/27/25